No. 3932

IN THE

United States Circuit Court of Appeals

For the Ninth Circuit

UNITED STATES OF AMERICA,
Plaintiff, Appellant,

vs.

JOSEPH WOERNDLE,
Defendant, Respondent.

Reply Brief of Appellant

Upon Appeal from the United States District Court for the District of Oregon.

JOHN S. COKE,
United States Attorney for Oregon,
For Appellant.

C. T. HAAS,
Attorney for Respondent.

GEO. I. SMITH PRINTING CO. PORTLAND, OREGON 3-6-23-40

No. 3932

IN THE

United States Circuit Court of Appeals

For the Ninth Circuit

UNITED STATES OF AMERICA,
Plaintiff, Appellant,

vs.

JOSEPH WOERNDLE,
Defendant, Respondent.

Reply Brief of Appellant

Upon Appeal from the United States District Court for the District of Oregon.

JOHN S. COKE,
United States Attorney for Oregon,
For Appellant.

C. T. HAAS,
Attorney for Respondent.

GEO. I. SMITH PRINTING CO. PORTLAND, OREGON 3-6-23-40

STATEMENT

Defendant apparently relies in his brief upon the following propositions:

1. That the complaint does not state facts sufficient to constitute a cause of suit.

2. That the suit is barred by the Statute of Limitations.

3. That the affidavit attached to complaint does not show a sufficient cause to authorize the commencement of the suit.

4. The refusal of the trial court to order a return to defendant of the photographic copies of documents found at defendant's residence and office.

5. That Section 15 of the Act of June 29, 1906, is unconstitutional, because indefinite and uncertain.

6. Defendant complains of the fact that the letters obtained under a void search warrant were received in evidence.

7. That proceedings to cancel the certificate of citizenship can only be heard in the court granting it, and within the term.

8. That after the United States declared war

against Germany, defendant demonstrated his loyalty to the United States by the purchase of Liberty bonds, and in other acts showing his alleged loyalty.

ARGUMENT

Before defendant made answer to the complaint he moved the court to dismiss the complaint on the ground that it failed to state a cause of suit; that the cause of suit was barred by the five-year Statute of Limitations, and that the affidavit attached to complaint was insufficient.

These propositions were again raised in the answer filed by the defendant, and at the close of the taking of testimony the defendant again renewed his motion. In each of these proceedings the trial judge denied these motions. We do not deem that the matters raised by these motions require serious discussion or consideration.

The complaint alleges that Joseph Woerndle obtained his certificate of naturalization through fraud and false testimony, upon which the Court relied in granting him a certificate of citizenship. It is stated in complaint that defendant, in order to procure this certificate, declared upon oath in open court that he absolutely and entirely renounced and abjured all allegiance and fidelity to every foreign prince, poten-

tate, state and sovereignty, and particularly to the Emperor of Germany, while in truth and in fact he did not renounce or abjure allegiance to the German Empire; that for the purpose of deceiving and misleading the Court, he kept and retained allegiance to the Emperor of Germany.

The complaint does not solely rest, as claimed by defendant, upon the fraudulent acts of defendant with respect to the passport secured for and delivered to Hans W. Boehm, but it is based upon the alleged fraud and false testimony given by the defendant in his naturalization proceedings, the evidence of which is shown in his various acts and written statements, commencing with the procurement of the Boehm passport in 1914 and extending through the years 1914, 1915 and 1916.

The five-year Statute of Limitations, relied upon by defendant, relates to criminal proceedings, penalties and forfeitures. There is no five-year Statute of Limitations governing proceedings in the nature of this suit.

Johannessen vs. United States, 225 U. S., 227, at p. 242.

Luria vs. United States, 231 U. S., 9-24.

United States vs. Spohrer, 175 Fed. 440-448.

Shurman vs. United States, 264 Fed. 917 (9 CCA.)

United States vs. Kramer, 262 Fed. 395 (5 CCA.)

United States vs. Herberger, 272 Fed. 278.

United States vs. Darmer, 249 Fed. 989.

United States vs. Wursterbarth, 249 Fed. 908.

The affidavit attached to the complaint does not constitute a part of the pleading nor is it evidence. In disposing of this question the trial judge stated the rule to be that—

> "Its (the affidavit) office is simply to furnish the District Attorney with a good and sufficient cause for bringing the suit, and when an affidavit states facts which are sufficient to justify the District Attorney in exercising his discretion and bringing the suit, it performs its office."

The next objection raised by defendant relates to the refusal of the trial court to order the return to defendant of the photographic copies of documents found at his residence and office. These copies were not introduced in evidence.

We think this question is disposed of by the terms of the stipulation voluntarily entered into between the parties, through their respective counsel, in which it was stipulated as follows:

> "It is hereby stipulated and agreed by the parties hereto, by their attorneys, that at the

> trial of the above entitled cause the facts herein stated shall be taken and deemed to be true; that no evidence thereof shall be required to be offered or produced by either of the parties hereto, and the parties hereby expressly waive any and all objections of every kind as to the manner of proof and as to the sufficiency of the proof of the facts hereinafter stated. All other objections as to the competency, relevancy, and materiality of these facts are reserved. This stipulation may be read at the trial by either of the parties hereto.

The facts herein stipulated are:" (Trans. p. 63). Then follows the stipulated facts and the matters quoted from defendant's diary (Trans. pp. 65, 66, 67), and the only other reservation contained in the stipulation follows:

> "Constitutional and statutory rights and objections of defendant in reference to the following letters are reserved."

Then follows copies of various letters (Trans. p. 67), but no further objections were offered.

In defendant's brief it is stated, "At the trial these documents, and particularly a number of letters, were introduced in evidence over the objections of the defendant." (Trans. p. 67.) It will be observed that this is an erroneous statement of fact. No evidence in

relation to the letters was offered other than the stipulated facts. It is true, as claimed by defendant, that defendant went upon the witness stand in his own behalf and also offered the testimony of one Otto Berg. The defendant did not, however, undertake to deny the statements contained in the documents set forth in the stipulation and the only evidence offered by the witness Berg was to the effect that, "He had seen Woerndle fill out many questionnaires and knew that Woerndle had advised two or three aliens or alien enemies to go to war since the United States got in." (Trans. p. 181.)

Aside from the questions as to the void search warrant, the admissibility of the letters under the stipulation, and the copy of the entries in the diary (as to which no reservation was made), the court had power, which it exercised under J. C. Section 262, 5 Fed., Stat. Ann. 2d Ed. p. 928, 36 Stat. L. 1162, to direct the issuance of a subpoena duces tecum for the production of these writings to be used upon trial of the cause.

> "The Supreme Court, the Circuit Courts of Appeals, and the District Courts, shall have power to issue all writs not specifically provided for by statute, which may be necessary for the exercise of their respective jurisdictions, and

agreeable to the usages and principles of law, Id."

Under this section, authority exists to issue subpoenas, duces tecum, for "the right to resort to means competent to compel the production of written as well as oral testimony" seems essential to the very existence and constitutions of a court at common law.

American Lithographic Company vs. Werckmeister, 221 U. S. 603, 31 S. Ct. 676.

The documents, regardless of the fact that they were first procured under a warrant issued upon an insufficient affidavit, were properly before the court and were receivable in evidence.

It is claimed by defendant that the Act of June 29, 1906, is unconstitutional and void because it is vague, indefinite and uncertain, "and fixes no standard of fraud."

In so far as the alleged unconstitutionality of Section 15 of the Act is concerned, it is suggested that the position of defendant upon this question is based upon theories which might be pertinent in a criminal proceeding, but the statute under which this suit is brought is not a criminal statute, it simply authorizes the District Attorney to bring a suit to set aside a certificate of naturalization on the ground of fraud,

and it is not void for indefiniteness or uncertainty, as claimed by defendant.

What "standard of fraud" would counsel for the defendant fix in a proceedings of this nature? If defendant procured his certificate of citizenship through false testimony—if he had not renounced and abjured all allegiance, particularly to the Emperor of Germany, when he took and subscribed the solemn assurance of allegiance and fidelity to the United States, and agreed to support its constitution and laws; if he held at that time a mental reservation of allegiance to the German Empire which was superior to his promised allegiance to the United States—then he was guilty of such "standard of fraud" as should deprive him of the very great privileges and advantages of his fraudulently obtained certificate. The law specifies no particular brand or standard of fraud. It does require, however, a standard of citizenship, and in this defendant has shown himself wholly wanting.

It is not the rule, as claimed by the defendant, that a proceeding to cancel citizenship can only be brought in the court granting it, and within the term. Upon this question, we quote the language of the trial judge as follows:

"This position, in my opinion ,is negatived by

> the provisions of Section 15, which provide that the suit shall be brought in any district where the alien resides and, therefore, in a court other than the one admitting him to citizenship. And it further provides that if the certificate is canceled a certified copy of the order shall be forwarded to the court admitting the alien to citizenship, and that court shall make a record of it, so that it really appears that it was the purpose and intent of Congress that the suit might be brought in any court having jurisdiction."

It is stated in defendant's points and authorities No. 11, that until the United States entered the war in 1917 there was no opportunity or necessity for a naturalized citizen to make a choice or preference in his allegiance.

At the time the United States entered the war and for some time prior thereto, defendant had reason to change his former conduct and attitude and to assume and pretend to possess true allegiance and fidelity to the United States. It is common knowledge that for some time prior to the United States entering the war, Germany had committed so many acts in violation of the rights of the United States and its citizens that only an excess of indulgence and patience on the part of the President of the United

States prevented the actual declaration of war at a much earlier period than that on which the declaration of war was made. Defendant was abundantly aware of the fact that war between the United States and Germany was inevitable. He knew this long before the declaration was made. He stated as early as May 31, 1915, that

> "Only God Almighty can save us from war with my own Fatherland."

The best test, therefore, and the only method by which defendant's true attitude toward the United States could properly be determined was to ascertain what his feelings were prior to the time the United States actually entered the war. Defendant is a lawyer, is shrewd and is a successful business man, and cannot escape the plain meaning of his expressions through a pretext of ignorance or that he did not intend the expressions contained in his diary and letters. In these the defendant expressed his true feelings, and from them can best be determind not only what his attitude was toward the United States during the years 1914, 1915 and 1916, but these expressions furnish the best means of ascertaining defendant's feelings and measuring his allegiance and fidelity to the United States at the time he was admitted to citizenship. It is only reasonable to assume

that since defendant had resided in the United States since the year 1897, had prospered, married a native girl of the United States, and had enjoyed the prosperity and protection offered by reason of residence in the United States, that his allegiance and fidelity towards the United States should be stronger than it was at the time of his admission to citizenship in 1904. As said by Judge Cushman in United States vs. Herberger (272 Fed. 278):

> "Loyalty or allegiance is, necessarily, of slow growth; therefore, somewhat involuntarily, not fully subject to the will. Those who lightly, for temporary advantages, undertake to change their allegiance, are liable to overlook the deep-seated nature of this feeling; but the fact that not until afterwards, in times of stress, is it made manifest that the desires, suffered to lie dormant, are stronger for their native than their adopted country, although this fact may not be fully realized at the time of their naturalization, renders it nonetheless a legal fraud for the applicant to fail to disclose his true, although latent, feeling in such a matter."

Referring to the Act of June 29, 1906, it is said:

> "Congress, therefore, clearly indicated that subsequent acts of a naturalized ctizen would be

sufficient evidence of his fraudulent intention at the time of his admission. If mere removal is sufficient evidence of fraud, why not subsequent acts of disloyalty, or statements indicating his want of allegiance? In the nature of things it is impossible for the Government to make more than a cursory examination into the loyalty or general character of the applicant for citizenship before admission, and the court must of necessity rely upon the good faith and truthfulness of the applicant when appearing before it and taking the oath of allegiance. * * * American citizenship is a priceless possession, and one who seeks it by naturalization must do so in entire good faith without any mental reservation whatever and with the complete intention of yielding his absolute loyalty and allegiance to the country of his adoption. If he does not he is guilty of fraud in obtaining his certificate of citizenship. There can be no doubt that, had the defendant in this case been guilty of the utterances with which he is charged, before his naturalization, and that fact had been known to the court, he would not have been admitted." (United States vs. Kramer, 262 Fed. 395.)

"An alien has no moral or constitutional right to retain the privileges of citizenship if, by false

evidence or the like, an imposition has been practised upon the court, without which the certificate of citizenship could not and would not have been issued. * * * The Act imposes no punishment upon an alien who has previously procured a certificate of citizenship by fraud or other illegal conduct. It simply deprives him of his ill-gotten privileges." (Johannessen vs. United States, 225 U. S. Rep. 227.)

"If, therefore, under such circumstances, for 35 years, he now recognizes an allegiance to the sovereignty of his origin, superior to his allegiance to this country, it seems to me that it is not only permissable to infer from that fact, but that the conclusion is irresistible, that at the time he took the oath of renunciation he did so with a mental reservation as to the country of his birth, and retained towards that country an allegiance which the laws of this country require him to renounce before he could become one of its citizens. Indeed, for the reasons just stated, his allegiance to the former must at that time be stronger than it is at present. Whatever presumption might otherwise arise in his favor from the apparent fact that during the intervening years he has lived as a good citizen of this country is of no weight, when it is considered

that nothing has happened during that time to call forth a manifestation of his reserved allegiance, and that as soon as something did happen —i. e., the war between this country and Germany—he immediately manifested it. * * * If the natural and probable inference to be drawn from a proven fact is the existence of another fact, it makes no difference whether the latter fact be before or after, in point of time, the fact from which the inference is to be drawn. The decisive point is whether the inference is a natural and probable one." (United States vs. Wursterbarth, 249 Fed. 908.)

What is contemplated by the term "allegiance and fidelity"? Justice Miller in his lectures on the Constitution (Miller, Constitution of the United States), at pages 276, 293, 294 and 297, says:

"There are certain rights, privileges, and duties belonging to a citizen of a State, which do not belong to a foreigner resident within the State. Among these it is said that allegiance and protection are correlative obligations. If you are a citizen then, there are the correlative obligations between yourself on the one side, and the Government on the other. The citizen or subject owes allegiance, which signifies a loyal devotion and support due from him to the government

under which he lives; and, in return, that government owes him protection in a great many ways, too numerous for me to undertake to detail at this time.

The court (the Supreme Court, in the Slaughterhouse cases), in an opinion which I had the honor to deliver, held that the State in its relation to its citizens, and the citizens in their relation to the State, were interchangeably bound with regard to those laws which go to make up the rights which are protected by law; the right of marriage; the right of the descent of property; the right to the control of children; the right to sue for property, and to have it protected; and, in general, the protection of life, liberty, and the pursuit of happiness—these were all founded in the relation between the State and its citizen.

He has a right to look to that Government for protection in all foreign countries wherever he might travel, on the high seas or the sands of Africa, in Europe, or in Australia, wherever a ship floats or a traveller can go. He has a right to call on the United States for protection wherever he may be outside of its lines or territory. He has also the right to travel all over this country free from any tax, assessment, or interrup-

tion in his passage from one part of the country to another. He has the right of petition granted to him by the Constitution of the United States. He has the right to use the mails of the United States; he has, in short, a right to everything which that great Government gives or concedes to anybody, and these are his rights as a citizen of the United States. They are numerous; they are great; they are valuable."

"The spirit in the citizen that, originating in love of country, results in obedience to its laws, the support of its defense and existence, rights, and institutions, and the promotion of its welfare, is called patriotism. (Wise on Citizenship, P. 73.)"

"By allegiance is meant the obligation of fidelity and obedience which the individual owes to the Government under which he lives, or to his Sovereign, in return for the protection he receives. The citizen or subject owes an absolute and permanent allegiance to his Government or Sovereign, or at least until by some open and distinct act he renounces it and becomes a citizen or subject of another Government or another Sovereign." (Carlisle vs. United States, 16 Wall. 147.)

It is evident that when defendant took the oath of allegiance he did not renounce and abjure all allegiance to the Emperor of Germany but that he had a mental reservation of allegiance and fidelity to the German Emperor—an allegiance and fidelity that was greater than his allegiance to the United States. No occasion arose from the time of his admission until October, 1914, calling upon him to give evidence where his true allegiance resided.

Following October 3, 1914, and repeatedly during the years 1915 and 1916, defendant not only gave ample evidence of his allegiance to Germany, but also exhibited a very marked unfriendly attitude toward the United States. In this connection we desire to quote briefly from letters written by the defendant and contained in the stipulated facts. On May 14, 1915, in a letter to his parents, defendant used this language:

> "The Americans, mob-like, would be glad if it could get one over on Germany, but the German Michael will not have to be afraid very much. The United States are noisy, but when it comes to do something they are slow. This nation could not force ragged Mexico to salute the American flag. They will not risk to go to Germany. Otherwise, the Japanese may soon

take possession of the best part of their coast, for they have aimed for it a long time." (Trans. P. 130.)

This statement exhibits an attitude fully showing a want of allegiance and fidelity. It shows more than that. It clearly indicates the desire on the part of defendant that in case of conflict between the United States and Germany, which he then expected, that the Germans should win. It indicates a wish on the part of the defendant that in case of war between the United States and Germany the Japanese Government may be arrayed against the United States. This letter was written in May, 1915. In connection with it there should be considered defendant's letter of May 31, 1915, in which he stated:

> "And judging from today's evening paper headlines, only God Almighty can save us from war with my own fatherland. It seems now as if the American Government has lost its head, or is about to lose it." (Trans. P. 126.)

It is proper, therefore, to consider the statements contained in the letter of May 14 as having been made at a time when defendant felt that "Only God Almighty can save us from war with my own Fatherland". During the following month, defendant gave vent to the expression:

> "I am ashamed of the action of the American nation, for they can never make reparation for it. * * * I wish I had the means, I would be glad to give all to beautiful old Fatherland to aid it in this hour of need. * * * If I were in Germany, as three years ago, I would gladly allow myself to be put in uniform, or otherwise be of benefit to the Fatherland." (Trans. P. 138.)

These expressions leave no doubt as to what defendant's attitude was at this time. They leave no doubt as to his lack of fidelity and allegiance to this Government, and it seems to us that if he was lacking in fidelity after the many years he had resided in the United States and had enjoyed its protection and advantages, that he must necessarily have been wholly wanting in allegiance at the time he gave testimony through which his certificate of citizenship was issued to him. He committed a fraud upon the United States and gave false testimony at the time of his examination. He did not then renounce and abjure allegiance to Germany. He did not then, nor has he at any time since, maintained a true allegiance or fidelity towards the United States.

In a letter dated May 8, 1916, defendant wrote his brother in which he criticised the administration and suggested the possibility of this country entering the war, he stated:

"Here too will not remain one stone upon the other if this comes to pass, for the blood bath which he here prepares will out-top in blackness any shadow which the Angel of Death has ever thrown on Europe. The monster of a President seems not to notice the bloody handwriting on the wall but it will be that much more red when the hour comes." (Trans. P. 157.)

Defendant admits he knew, as a lawyer, in 1914 he was committing a felony in his acts concerning the Boehm passport. Following this, he repeatedly expressed his allegiance and fidelity to Germany and his contempt for and condemnation of the United States. If, after the long years of residence in and enjoyment of the prosperity and protection given him under this Government, he retained this marked degree of allegiance to his native country and contempt for the United States, it is only reasonable and natural to assume that he committed a fraud upon this Government in the procurement of a certificate of citizenship, which required of him true allegiance and fidelity to this Government and renunciation of allegiance to the German Empire.

Defendant attempts, in his brief, to excuse the language used in the several letters written by him to his relatives and friends in Germany, by claiming that the anti-American and pro-German expressions

were used merely for the purpose of preventing the letters being held up by the German censors. This is too absurd a position to be taken seriously. In the first place, the great difficulty would naturally be encountered with the allied censors who would be the first to scrutinize letters addressed to Germans passing through their hands, and, consequently, it is improbable that there would arise any difficulty with the German censors over letters written by defendant (a German) to his German parents in Germany. There was no call for either pro-German or anti-American expressions in the letters in order to avoid difficulty with German censors. And again, the most important to defendant's parents, and most consoling in terms, of all the letters sent by defendant, was the one dated February 18, 1916 (Trans. P. 151), but this letter contained neither pro-German nor anti-American expressions.

By the time defendant wrote his friend, Hans W. Boehm, under date of July 14, 1916 (Trans. p. 164), it is probable that he had become so thoroughly familiar with German methods of warfare and so fully convinced that this country would soon be involved in the war, that he realized the wisdom of more caution and moderation in the language used in his letters, and consequently there were no further anti-American expressions.

Defendant counsel asks, "Did Woerndle hold a mental reservation as to his allegiance at the time of taking his oath of citizenship in 1904?" (Deft's. Brief P. 63). Practically every expression made by defendant prior to the time the United States entered the war, or was known by defendant to be certain to enter therein, answers defendant's question unmistakably in the affirmative. He not only held a mental reservation of allegiance to Germany but he also held, and frequently expressed, a positive anti-American attitude.

At the close of the oral argument, defendant's counsel stated, in substance, that the real question for determination in this case is whether the defendant, at the time of his admission to citizenship, held a mental reservation of allegiance to Germany. We also think this is the true question and the only serious question for determination on this appeal.

The trial Judge based his judgment, in denying the Government's complaint, upon the theory that the evidence must disclose some act or statement indicating allegiance to, or sympathy with, Germany after the entry of the United States into the war. (Trans. P. 116.)

It would seem, however, that the true attitude of defendant at the time of his admission in 1904 could

be most accurately determined from defendant's expressions during the years 1914, 1915 and 1916, and when he was not placed upon his guard or was not possessed of any thought of any harm or disadvantage coming to him from the expressions contained in his private diary, and from the letters written to his friends and relatives in Germany, and when he did not fear the consequences of an investigation then being conducted by the Government.

It is claimed that defendant voluntarily testified and submitted himself to unreserved cross examination, covering most of the stipulated facts, to enable the Court to form its opinion on the main facts, etc. (Deft's. Brief P. 15.) Defendant is charged with having secured his certificate of citizenship through fraud, deceit and false testimony. He professes a desire to have the Court know the whole truth. This being a suit in equity, the Court is entitled to know the whole truth. The truth in this proceeding can be ascertained only from the diary and letters which defendant is making such persistent effort to keep from the Court. These documents tell the true story of Mr. Woerndle's allegiance and of his mental attitude at, and subsequent to, the time he obtained his certificate.

We cannot emphasize too strongly that Woerndle's conduct is not stripped of probative effect mere-

ly because its date is prior to 1917, and the American entry into the war.

We urge the court to remember that in heart and mind Woerndle was a belligerent as between the United States and Germany. He fixed his own status and attitude as a belligerent by his letters stating that war between the United States and Germany was such a certainty as only God Almighty could prevent.

Many citizens from 1914 to 1917, expressed opinions on the merits of the European war. They chose their parties—in common parlance they took sides. They were mere spectators with no thought of American participation. They stood on the side lines and cheered their favorites. But Woerndle was not one of these. He was no mere spectator. He saw America as a participant in the war against Germany; the America that he for two years condemned, ridiculed, and denounced was in his eyes the enemy of Germany. In his heart he enlisted under the German colors in a German-American war.

His was not merely the enthusiasm of an interested spectator, but rather the fighting hatred of a combatant, the wish to injure, to see America crushed, torn, and bleeding like Belgium then was, so that "here too there would not remain one stone up-

on the other," and that she would lie sweltering in the blood bath that would "out-top in blackness any shadow which the Angel of Death had ever thrown on Europe."

Defendant makes the rather extraordinary statement that "Neither in the diaries or in the other mass of documents was the Government able to find a single thought, action or utterance derogatory to the United States, either before, during or after the war," and defendant attempts to support this statement by quoting from the trial judge's opinion. Certainly Judge Bean's decision supports no such statement. Judge Bean does say that there was no evidence of defendant's disloyalty to the United States prior to the commencement of the war between England and Germany—1914—(Trans. 115) or subsequent to the time the United States entered the war—April 6, 1917 (Trans. 116). Judge Bean unqualifiedly condemns defendant for his felonious conduct relating to the Boehm passport and says in his opinion, in relation thereto, that "Defendant's conduct is, of course, indefensible" (Trans. 116).

If the trial court was correct in the position that it was incumbent upon the Government to show that defendant had committed acts of disloyalty after this country had declared war upon Germany, then we

concede that the court was correct in its decree dismissing the Government's suit, but, if it has been satisfactorily shown by the conduct and expressions of defendant, made at any time after the hearing of his petition for citizenship, that he held a mental reservation of allegiance to his native country and that his testimony, and oath of allegiance to the United States were false, then we feel that the prayer of the complaint should be granted.

The testimony offered by the defendant at the hearing of his petition for citizenship was false; he deceived the court that granted him his certificate; in his heart he remained a German; his true allegiance was at all times with Germany; he was anti-American. He ought not to be invested with the rights and powers of American citizenship.

If Woerndle's attitude toward the United States constituted true allegiance—if this is fidelity—then Bernstorf should receive the apologies of this nation, and open and professed anarchism is not without real virtue.

Respectfully submitted,

JOHN S. COKE,

United States Attorney.